

## LUIGI PODESTA

JUNE 19, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany S. 879]

The Committee on the Judiciary, to whom was referred the bill (S. 879) for the relief of Luigi Podesta, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Luigi Podesta. The bill also provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

#### GENERAL INFORMATION

The beneficiary of the bill is a 63-year-old native and citizen of Italy who last entered the United States on December 30, 1944, as a visitor to arrange for the printing of currency for the Italian Government. He is married to a naturalized citizen of the United States and they have one native-born United States citizen child. For a number of years, the beneficiary of the bill was a financial expert for the Italian Government and has been in the United States almost continuously, except for the war years, since 1921.

A letter dated October 13, 1949, to the chairman of the Senate Committee on the Judiciary from the Acting Assistant to the Attorney General with reference to S. 1406, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,  
Washington, October 13, 1949.

Hon. PAT McCARRAN,  
*Chairman, Committee on the Judiciary,*  
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1406) for the relief of Luigi Podesta, an alien.

The bill would direct the Attorney General to cancel deportation proceedings against Luigi Podesta and would provide that he shall not again be subject to deportation by reason of the same facts. It would further provide that in the administration of the immigration laws he shall be considered as having been lawfully admitted for permanent residence as of December 30, 1944, upon the payment of the required visa fees and head taxes, and would direct the Secretary of State to instruct the quota-control officer to deduct one number from the non-preference category of the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Luigi or Louis Podesta is a native and citizen of Italy, having been born at Piani, now known as Imperia, in that country, on February 28, 1887. He last entered the United States at the port of New York, by Army Transport Command plane, on December 30, 1944, when he was admitted as a temporary visitor for a period of 60 days, presumably to arrange for the printing of currency for Italy. Requests in 1945 for extensions of stay were denied by the Immigration and Naturalization Service, which had been advised by the Visa Division of the Department of State that it was opposed to granting him an extension of stay. The State Department further notified this Department that the preliminary application for visa to permit his entry into this country for permanent residence had been unfavorably recommended. On April 1, 1947, a warrant of arrest in deportation proceedings was issued, charging that he had remained in the country for a longer time than permitted as a visitor. At a hearing on the warrant he was charged with being subject to deportation in that, at the time of entry, he was an immigrant not in possession of a valid immigration visa. This charge was based on his statement that at the time he last entered the United States, it was his intention to remain here, and that he had made an effort to obtain an immigration visa at the American consulate in Naples, prior to his last admission to this country. The finding of the presiding inspector at the hearing was affirmed by the Acting Commissioner of the Immigration and Naturalization Service, who recommended that the alien's application for suspension of deportation, or, in the alternative, voluntary departure and preexamination, be denied. The Board of Immigration Appeals dismissed his appeal. Further action to enforce his deportation, however, was ordered held in abeyance pending consideration of S. 2722, Eightieth Congress, and this bill.

The files further reflect that Mr. Podesta first came to the United States in 1921 as the American director of the Italian Institute for Foreign Exchange, a financial adjunct of the official Government of Italy. He remained in this country, except for temporary visits abroad, until he departed for Italy in July 1941, almost immediately after Italian funds were frozen in this country. Mr. Podesta admitted that shortly before his departure and before the Presidential order freezing Italian funds he had personally turned over several millions of dollars from the accounts of the Bank of Italy to the German consul general in New York and to the Jesuit Fathers, upon instructions received from the Italian Institute of Exchange in Rome through the Italian Embassy. He stated that he had no discretion in the matter, but was only carrying out orders. He further stated that he was a member of the Fascist Party from 1929 until 1942, but claimed that his membership was not voluntary and that all of his dues were paid by the bank which employed him. Mr. Podesta testified that in 1942 he was asked to join the Fascist militia with the rank of colonel, but that he refused, because he was not in sympathy with fascism.

The record indicates that in 1926 the alien was married to an alien who became a naturalized citizen of the United States in 1928. They have one son, Anthony, born in New York City in 1928, who is presently a student at Harvard University. The alien and his family are residing in Forest Hills, Long Island, N. Y., where Mrs. Podesta and her son also resided from 1941 to 1944, the years Mr. Podesta spent in Italy.

According to the alien's testimony, he was manager of the Bank of Italy in Bergamo, Italy, between July 1941, and October 1943, and thereafter, until his

return to the United States, he served as assistant manager of the central office of the Bank of Italy in Rome. Mr. Podesta stated that he is now engaged in the export and import business with offices in New York, under the name of Cont-Over Trading Co., Inc., and also under the name of Louis L. Podesta, import and export. The alien and his wife have both stated that Mr. Podesta's deportation would result in financial hardship to the family.

Whether in this case the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PETER CAMPBELL BROWN,

*Acting the Assistant to the Attorney General.*

The files of the Committee on the Judiciary contain the following information in connection with the case:

WASHINGTON 4, D. C., March 28, 1950.

Re Luigi Podesta S. 1406

A-9028684

SENATE IMMIGRATION COMMITTEE,

*Washington, D. C.*

GENTLEMEN: The above named has been ordered deported by the Department of Justice on the ground that he entered the United States without an immigration visa.

Mr. Podesta is a native and citizen of Italy, 61 years of age, married to an American citizen and has an American-born son. He was last brought to this country by the State Department on an American Army plane in connection with an Italian finance mission. His case was fully checked from a security viewpoint before a visa was issued to him.

The Department of Justice declined to exercise favorable discretionary relief because of Mr. Podesta's alleged pro-Fascist leanings. Leading anti-Fascists have submitted letters indicating that Mr. Podesta's residence in the United States would not be detrimental to our best interests, that he was not an active Fascist and that he is deserving of an adjustment of his status to that of a permanent resident. These letters are attached.

The experience of the undersigned with alien enemy cases has indicated that the present policy of the Department is to consider family ties and in particular the fact that an alien is married to an American citizen and has an American-citizen son, in mitigation of allegations of dangerousness. The instant case would appear to be stronger than the normal run of alien enemy cases. Those of Italian origin are not today considered alien enemies. Membership in the Fascist Party was never considered as dangerous as membership in the Nazi Party. In addition, Mr. Podesta's membership was not active. We understand that the Department of State does not consider membership in the Fascist Party, per se, as a ground for exclusion. The State Department recognizes that membership in the Fascist Party was a prerequisite to employment in cases of Italian nationals. This was the situation in the present case. Mr. Podesta became a member of the Fascist Party solely to retain his employment in a bank of the Italian Government located in the United States.

Moreover, it is submitted that the strong evidence of leading anti-Fascists in the United States should be weighed to throw the scales in Mr. Podesta's favor. It is believed that on the basis of these letters, the Department of Justice has not objected to the present bill and has indicated that its passage is a matter of legislative policy.

Mr. Podesta's background, viewed in the light of the attached letters and his family ties in the United States, are convincing that S. 1406 should be passed.

Sincerely yours,

JACK WASSERMAN.

NEW YORK 58, N. Y., February 10, 1948.

HON. WATSON B. MILLER,

*Commissioner of Immigration and Naturalization,  
Philadelphia, Pa.*

DEAR COMMISSIONER MILLER: From the year 1922 to the present time I have been in close touch with Italian affairs in the United States and during that period from 1922 to the end of the war I have been one of the bitterest foes of Mussolini, fascism, and nazism as is well known throughout the country. There is no active Fascist propagandist that was not known to me during that period of time.

I understand that Mr. Luigi Podesta has been accused of Fascist activities in the United States. I am bound to state that I knew Mr. Podesta was an employee of the Banca D'Italia and at no time did I ever hear of any Fascist or anti-American propaganda carried on by this man.

Mr. Podesta first came to the United States before the advent of fascism and he has devoted himself to the banking business, taking no active part in any political affairs. Immediately after World War II Mr. Niccolo Introna, who was made Commissioner of the Banca D'Italia upon recommendation of the Allied command, appointed Mr. Podesta to come to the United States on a financial mission. He was brought here on a military plane and had the permission of the military authorities.

It seems to me that the fact that Mr. Introna, who is known to me as a man of fine character and is favorably disposed to our cause, entrusted Mr. Podesta with this mission, in itself speaks highly for Mr. Podesta.

Mr. Podesta has a citizen wife and native-born son in the United States. His deportation would break up this family and would impose hardship upon his wife and son. They have been living under a mental strain during the time that this case has been pending before your Department. I believe that his deportation would be unjust.

I hope that you will exert every effort to prevent the separation of Mr. Podesta from his family.

Thank you very much for your consideration.

Sincerely,

CHARLES FAMA, M. D.

CHURCH OF OUR LADY, QUEEN OF MARTYRS,  
Forest Hills, N. Y., April 30, 1948.

Hon. TOM C. CLARK,  
Attorney General of the United States,  
Washington, D. C.

DEAR SIR: I am a native American, the pastor of Our Lady, Queen of Martyrs Church in Forest Hills, Long Island, since 1917.

I know Mr. Luigi Podesta since 1926 and can attest to his very good moral character.

During the month of June 1941, about 6 months prior to the declaration of war between the United States and Italy, Mr. and Mrs. Luigi Podesta, who had been parishioners of mine for over 20 years, came to seek my advice in connection with a very grave matter.

Mr. Luigi Podesta had received a communication to the effect that his office was going to be closed, by order of the American Government and that, again by order of same, he was to sail on the steamship *West Point*, for Italy, on July 15, 1941.

Both Mr. and Mrs. Podesta were terribly distressed: theirs had been a life of close family ties and Mr. Podesta had nothing but great affection for this country of ours. While the thought of a separation seemed unbearable to him, still he did not wish to even consider taking away with him his wife and child, both American, the former by naturalization, the second by birth.

I then gave Mr. Podesta my honest advice in this sense: since the American Government chose to close his office, and to set the date for his return to Italy, the only line of duty seemed to me the compliance with such orders; in other words I counseled him to go back to Italy and to the Banca d'Italia which had employed him since he had been out of school.

Prompted by that same feeling of duty, I agreed with Mr. Podesta that it was right for him to leave here, as he himself had immediately thought, both Mrs. Podesta and the son, Anthony.

Such was, dear sir, the advice that, in all equanimity I, an American with an American background of over 100 years, including war service to our country, felt right to give Mr. and Mrs. Podesta. Even today, if I consider the order which Mr. Podesta had received by our Government, I can hardly see what other line of action I could have suggested.

This much I must add: that Mr. Podesta left this country broken in spirit, not only because of the separation from his family which his departure entailed, but also because of his very sincere affection and admiration for this country, where he had spent 20 happy years of his life, and made many fine friends.

The one only relief for him was the knowledge that, in America, his wife and son were safe and protected.



As I go back to those days of infinite distress and realize that today the generous impulse of our country is to erase the tragic effects of that war and to rehabilitate, among others, the Italian people, I can only respectfully appeal to you, dear sir, that you give Mr. Podesta the benefit of your kind and benevolent consideration and allow him to remain here definitely, with his little family.

This I beg with all the more earnestness as I feel sure that, if Mr. Podesta, now 61 years of age, was compelled to leave this country, his separation from his family would be of a somewhat permanent nature and would leave his dear wife and son, who are American citizens, stranded here and subject to very severe hardship.

Sincerely yours,

JOSEPH R. McLAUGHLIN,  
(Right Rev. Msgr. Joseph R. McLaughlin, *Pastor.*)

WILLKIE, OWEN, FARR, GALLAGHER & WALTON,  
*New York, October 21, 1947.*

*To Whom It May Concern:*

Mr. Luigi Podesta consulted with me regarding legal matters on numerous occasions from November 1940, to and including June 1941, while he was New York representative of the Italian National Institute of Exchange, and he and his wife, Mrs. Virginia Podesta, have both consulted with me quite often regarding their personal affairs during the past year. As a result, I have come to know Mr. and Mrs. Podesta quite well and have formed a high regard for them.

Mr. Podesta's wife is a naturalized United States citizen and they have a son who is a natural-born United States citizen.

To the best of my knowledge and belief, Mr. Podesta is a man of the highest moral character who has always led an exemplary life, his honesty and integrity are above reproach, and he has great love and respect for the United States and its Government. I do not know of any reason why he is not a proper person to reside permanently in the United States and to become a United States citizen, and I vouch for him accordingly.

CLAUDE M. TERRELL.

*NEW YORK, October 21, 1947.*

MR. LUIGI PODESTA;  
108-20 Sixty-seventh Drive,  
Forest Hills, Long Island, N. Y.

DEAR MR. PODESTA: Pursuant to your request, we confirm your consultation with us and our advice to you as follows:

On or about April 30, 1941, you consulted our firm (then called Willkie, Owen, Otis & Bailly), stating that you had received from your employer, the Italian National Institute of Exchange, instructions to effect payments to the Jesuit Order and to the German Consulate of certain funds in New York controlled by said institute; and you requested our opinion as to whether there was any legal objection to your effecting such payments.

Inasmuch as the United States was not then in a state of war with either Italy or Germany and inasmuch as freezing control by the United States Treasury Department was not then applicable to Italian or German property, we orally advised you that in our opinion there was no legal objection at that time to your effecting such payments pursuant to such instructions.

Very truly yours,

WILLKIE, OWEN, FARR, GALLAGHER & WALTON.

TRANSLATION

*Rome, May 8, 1947.*

DEAR SIR: I beg to refer to your letter of March 19, and I have taken note of what you are communicating to me.

Before everything else, I wish to render you aware that, as regards the entire transaction, the offices of the Holy See are absolutely extraneous to it.

In the fact that we are considering your part was only that of a mere executor of orders imparted by your superiors in Rome.

The transfer of funds, effected as it was, to a beneficiary of the United States, prior to which, it is within my knowledge, you inquired of a local lawyer, was perfectly legitimate.

The relation established through that transaction concerns only the party who ordered it and my society.

However, in order to meet with your wishes, it shall be my pleasure to take care of all those steps that may be necessary in order that your intervention in this business may appear in its just light.

Devotedly in Christ,

R. DUROCHER, S. J.

STATE OF NEW YORK,

County of New York, ss:

Gaspere M. Cusumano being duly sworn deposes and says:

I understand the Italian and English languages. The foregoing is a true and correct English translation of the original letter of R. Durocher, S. J., dated May 8, 1947, which is hereto annexed.

Sworn to before me this 24th day of November 1947.

MAE CUSUMANO, Notary Public.

My commission expires March 30, 1948.

The committee files also contain the following communication from the Rt. Rev. Msgr. Joseph R. McLaughlin:

CHURCH OF OUR LADY QUEEN OF MARTYRS,  
Forest Hills, N. Y., May 25, 1951.

Hon. EMANUEL CELLER, M. C.,  
House Office Building, Washington, D. C.

DEAR MR. CELLER: I urge with all earnestness your active interest in the early passage, in this session of your House, of bill S. 879 recently introduced by Senator Ives and passed unanimously in the Senate.

It concerns the right of Mr. Louis Podesta, a friend and parishioner of 25 years, to remain in this country.

Please give it your active and early cooperation.

Very truly yours,

Rt. Rev. Msgr. JOSEPH R. McLAUGHLIN.

The committee, having considered all the facts in this case, is of the opinion that S. 879 should be enacted and it accordingly recommends that the bill do pass.

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